

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Charles Keith Wampler,**

*Petitioner,*

**v.**

**Case No. 3:22-cv-174  
Judge Thomas M. Rose**

**Warden, London Correctional Institute,**

*Respondent.*

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS, (DOC. 11), OVERRULING PETITIONER'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 13), DISMISSING WITHOUT PREJUDICE TO REFILE PETITION FOR WRIT OF HABEAS CORPUS, (DOC. 1), AND TERMINATING THE INSTANT CASE.**

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Pending before the Court are the Report and Recommendations of Magistrate Judge Michael M. Merz. (Doc. 11). The Report and Recommendations would have the Court dismiss the Petition (Doc. 1) without prejudice to re-filing when the impending new judgment under which Petitioner will be confined becomes final. Defendant has objected to the Report and Recommendations. (Doc. 13).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration Defendant's objections. Upon said review, the Court finds that Defendant's objection, (Doc. 13), to Report and Recommendations, (Doc. 11), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations.

(Doc. 11). The Petition for Writ of Habeas Corpus, (Doc. 1), is hereby **DISMISSED WITHOUT PREJUDICE TO RE-FILING WHEN THE NEW JUDGMENT UNDER WHICH PETITIONER WILL BE CONFINED BECOMES FINAL**. The instant case is hereby **TERMINATED** on the docket of the United States District Court, Western Division at Dayton.

**DONE** and **ORDERED** this Thursday, April 13, 2023.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE